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1614

EXPRESS MAIL NO.: EL 500 578 35 U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Barbosa *et al.*

Confirmation No.: 7460

Serial No.: 09/853,544

Group Art Unit: 1614

Filed: May 10, 2001

Examiner: Pak, Michael D.

For: MARKERS FOR EVALUATING  
ESTROGENIC ACTIVITY

Attorney Docket No.: 10624-051-999

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**RESPONSE TO RESTRICTION REQUIREMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

S I R :

In response to the outstanding Office Action dated October 2, 2002, please consider the following remarks. Applicants submit concurrently herewith a Petition For Extension Of Time for three months from November 2, 2002 to and including Monday, February 3, 2003, accompanied by the appropriate provision authorizing payment of the required fee.

The Examiner has required a restriction under 35 U.S.C. § 121 of one of the following inventions:

- I. Claims 1-12, drawn to methods of evaluating cardiovascular agents.
- II. Claims 13-17, drawn to methods for identifying estrogen receptor modulators.
- III. Claim 18, drawn to a method of inhibiting cardiovascular disease.
- IV. Claim 19, drawn to a method of inhibiting the development of breast cancer.
- V. Claim 20, drawn to a method of inhibiting osteoporosis.
- VI. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 56.
- VII. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 57.
- VIII. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 58.
- IX. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 59.
- X. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 60.
- XI. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 61.
- XII. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 62.

- XIII. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 63.  
XIV. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 64.  
XV. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 65.  
XVI. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 66.  
XVII. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 67.  
XVIII. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 68.  
XIX. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 69.  
XX. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 70.  
XXI. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 71.  
XXII. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 72.  
XXIII. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 73.  
XXIV. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 74.  
XXV. Claims 21-25, drawn to the nucleic acid SEQ ID NO: 75.

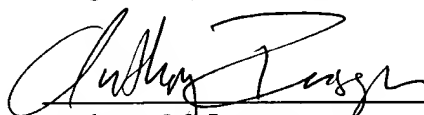
The Examiner contends that the inventions of Groups I-XXV are distinct.

In response, Applicants elect without traverse the invention of Group II, namely Claims 13-17, drawn to methods for identifying estrogen receptor modulators. Claims 1-12 and 18-25 directed to non-elected groups have been canceled without prejudice to Applicants' right to pursue the subject matter of the canceled claims in subsequent applications.

Applicants respectfully request that the foregoing remarks be entered and made of record in the file history of the application. An early allowance of the application is earnestly requested.

Respectfully submitted,

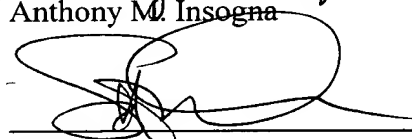
Date: February 3, 2003



Anthony M. Insogna

32,203  
(Reg. No.)

By:



Scott A. Warren

47,167  
(Reg. No.)

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosure